IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Tr.P(Crl.).No. 76 of 2006()

MC.515/2005 of FAMILY COURT, MANJERI

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PETITIONER:

ABDUL GAFOOR, S/O.PUZHANGARA ILLATH
BAVA, AGED 38 YEARS, KADAPPURAM AMSOM AND
DESOM OF CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:

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1. RAJILA, D/O.PANDARAPPARAMBIL MUHAMMED,
EDAPPAL AMSOM, MALAPPURAM DISTRICT.

2. HANNA ALIAS FATHIMA (MINOR)
REPRESENTED BY GUARDIAN IST RESPONDENT.

3. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 & 2 BY ADV. SRI.O.V.MANIPRASAD
R3 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Tr.P.(Crl.)No. 76 of 2006

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Dated this the 24th day of August, 2007

O R D E R

Against the petitioner, his wife and child have initiated proceedings under Section 125 Cr.P.C. before the Family Court, Manjeri. Maintenance was claimed, it is submitted, at the rate of Rs.1,000/- and Rs.500/- respectively. The learned Judge of the Family Court, it is complained, had directed payment of interim maintenance to the child alone at the rate of Rs.600/- p.m. According to the petitioner, this direction by the learned Judge of the Family Court instills in the mind of the petitioner an apprehension that he may not get justice at the hands of the learned Judge if the maintenance claim were to be disposed of by the learned Judge. The petitioner urges other reasons also. In the petition it is urged that another proceedings was initiated before the Family Court, Trichur for restitution of conjugal rights. An ex parte decree was passed. It is submitted that the said ex parte decree has been set aside and the petition for restitution of conjugal rights was also later dismissed. A petition for restoration is pending before the Family Court.

2. This petition is opposed. Having considered all the relevant inputs, I find absolutely no reason to direct transfer of the case pending before the Family Court, Manjeri to the Family Court, Trichur.

3. This petition fails and is accordingly dismissed.

(R. BASANT)
Judge

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